



Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037

O +1 202 457 6000
F +1 202 457 6315
squirepattonboggs.com

Paul C. Besozzi
Peter M. Bean
paul.besozzi@squirepb.com
peter.bean@squirepb.com

November 9, 2018

VIA HAND DELIVERY AND ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Applications of Securus Technologies, Inc. and Inmate Calling Solutions, LLC
d/b/a ICSolutions for Consent to the Transfer of Control of Licenses and
Authorizations – WC Docket No. 18-193**

Dear Ms. Dortch:

Securus Technologies, Inc. (“STI”) hereby provides additional documentation in response to the September 11, 2018 Information and Document Requests from the Federal Communications Commission (“FCC” or “Commission”) in the above-referenced docket.¹ Enclosed please find one disk containing correspondence and documents recently submitted to the Department of Justice as part of its confidential review of the proposed transaction, including a memorandum requested by the Commission Staff.

The disk and the documents thereon have been labeled “HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 18-193

¹ Letter from Lisa Hone, Deputy Chief, WCB, to Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP, Counsel for Securus Technologies, Inc. and Howard M. Liberman and Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Counsel for TKC Holdings, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions, WC Docket No. 18-193, DA 18-939 (dated Sept. 11, 2018) (“Information Requests”).

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION” in accordance with paragraph 5 of the Protective Order² in the above-referenced docket.

This filing contains information that is properly designated as Highly Confidential Information under the Protective Order in WC Docket No. 18-193. In accordance with paragraph 3 of the Protective Order, STI has received the written approval of the Commission Staff to designate the documents and information provided herewith as Highly Confidential.³ Pursuant to the procedures set forth in the Information Requests and the Protective Order, a copy of the Highly Confidential filing, including the disk, is being provided to the Secretary’s Office. Two copies of the Highly Confidential filing, including the disk, are being provided to Jodie May and Michael Ray of the Commission’s Staff. Separately, a redacted copy of this filing labeled “REDACTED – FOR PUBLIC INSPECTION” is being filed electronically through the Commission’s Electronic Comment Filing System in the above-referenced docket.⁴

STI has made a diligent effort to ensure that none of the documents being produced herewith is privileged under the attorney-client privilege or the attorney work product doctrine. To the extent that any privileged documents may have been inadvertently produced, such production does not constitute a waiver of any applicable privilege. STI requests that any privileged documents inadvertently produced be returned to STI as soon as the inadvertent production is discovered by any party, and reserves all rights to seek return of any such documents.

In support of this request for treatment of the enclosed information as Highly Confidential Information, STI provides the following information:⁵

(1) Identification of the specific information for which confidential treatment is sought

STI hereby seeks Highly Confidential treatment of the information provided on the enclosed disk. This information is properly designated as Highly Confidential Information under one or more of the categories in Appendix A of the Protective Order.⁶

² *In the Matter of TKC Holdings, Inc., Transferor, Inmate Calling Solutions, LLC d/b/a ICSolutions, Licensee, and Securus Technologies, Inc., Transferee, Consolidated Applications for Consent to Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, as Amended*, Protective Order, WC Docket No. 18-193, DA 18-938, ¶ 5 (rel. Sept. 11, 2018) (“Protective Order”).

³ *Id.* ¶ 3.

⁴ *Id.* ¶ 5.

⁵ 47 C.F.R. § 0.459(b).

⁶ Protective Order Appendix A.

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(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission

The information is provided in connection with the Information Requests issued by the Wireline Competition Bureau in WC Docket No. 18-193.

(3) Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged

The subject information fits into one or more of the categories listed in Appendix A of the Protective Order as explained to the Commission Staff. Additionally, the information provided constitutes proprietary commercial and business information or confidential materials not routinely available for public inspection under Exemption 4 of the Freedom of Information Act (“FOIA”).⁷ STI hereby requests that such information be treated as Highly Confidential Information under the Protective Order and not be made routinely available for public inspection.

(4) Explanation of the degree to which the information concerns a service that is subject to competition

The Highly Confidential Information pertains to STI’s provision of inmate telephone calling and related services (“ITS”), a nationwide competitive service.

(5) Explanation of how disclosure could result in substantial competitive harm

Disclosure of the Highly Confidential Information to the public or to competitors of STI would “allow those persons to gain a significant advantage in the marketplace or negotiations.”⁸ The presence of competitors in the ITS market and the likelihood of competitive injury to STI threatened by release of this information should compel the Commission to withhold the information designated as Highly Confidential Information from public disclosure. The Commission has provided assurances that it is “sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage.”⁹

⁷ 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457.

⁸ Protective Order ¶ 2.

⁹ *In the Matter of Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, GC Docket No. 96-55, FCC 98-184, 13 FCC Rcd 24816, ¶ 8 (rel. Aug. 4, 1998).

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(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure

In order to prevent unauthorized disclosure of the subject information, STI is hereby submitting a request that the subject information be treated as Highly Confidential Information indefinitely, and STI has obtained the Commission Staff's written approval to designate the subject information as Highly Confidential Information pursuant to paragraph 3 of the Protective Order.¹⁰ STI takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclose such information outside of STI, and restricting access to this information internally.

(7) Identification of whether information is available to the public and the extent of any previous disclosure of the information to third parties

The subject information is not ordinarily available to the public or to any third parties.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure

As described above, the subject information contains highly sensitive information within one or more of the categories set forth in Appendix A of the Protective Order and constitutes proprietary commercial and business information or confidential materials not routinely available for public inspection under Exemption 4 of the FOIA.¹¹ Disclosure of this information would cause significant competitive injury to STI if disclosed. For this reason, STI respectfully requests that the Commission protect this information from public disclosure indefinitely.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted

As the subject information is being submitted voluntarily, STI requests that, in the event that the Commission denies STI's request for confidentiality, the Commission return the materials without consideration of the contents therein.

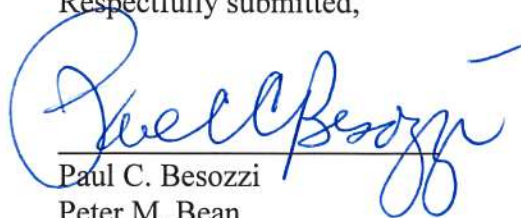
Please contact the undersigned should you have any questions concerning the foregoing.

¹⁰ Protective Order ¶ 3.

¹¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457.

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Respectfully submitted,



Paul C. Besozzi

Peter M. Bean

Squire Patton Boggs (US) LLP

2550 M Street, NW

Washington, DC 20037

202-457-6000 (tel)

202-457-6315 (fax)

paul.besozzi@squirepb.com

peter.bean@squirepb.com

Counsel for STI

Enclosure

cc: Jodie May
Michael Ray

REDACTED – FOR PUBLIC INSPECTION

Additional documentation

The additional documentation has been provided on the enclosed disk and is Highly Confidential in its entirety.

[REDACTED]